

Notice of Allowability

Application No.

09/892,959

Examiner

John S. Maples

Applicant(s)

KEEGAN, KEVIN R.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the March 29, 2004 after final reponse.
2. ☒ The allowed claim(s) ~~is~~ are 2-8, 10-12 and 14-20.
3. ☒ The drawings filed on October 6, 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jim Merrick on April 16, 2004.

Claim 1 is cancelled;

Claim 2, line 1, --An-- replaces "The";

Claim 2, line 1, --comprising-- replaces "as set forth in Claim 1";

Claim 2, line 2, --a fluid passageway comprising a plurality of segment pairs each comprising an inlet segment and an adjacent outlet segment with a baffle disposed therebetween, wherein said inlet segments are in fluid communication with an inlet, subsequent inlet segments, and adjacent outlet segments, and said outlet segments are in fluid communication with an outlet and subsequent outlet segments-- is placed before "wherein said";

Claim 8, line 1, --2-- replaces "1";

Claim 10, line 1, --2-- replaces "1";

Claim 11, line 1, --2-- replaces "1";

Claim 13 is cancelled;

Claim 14, line 1, --A-- replaces "The";

Claim 14, line 1, --comprising:

a first electrode;

a second electrode;

an electrolyte between said first electrode and said second electrode;

a separator disposed on a side of said first electrode opposite said electrolyte; and

an electrode fluid distributor disposed between said separator and said first

electrode, and at least in partial physical contact with said first electrode, said electrode fluid distributor comprising a fluid passageway comprising a plurality of segment pairs each comprising an inlet segment and an adjacent outlet segment with a baffle disposed therebetween, wherein said inlet segments are in fluid communication with an inlet, subsequent inlet segments, and adjacent outlet segments, and said outlet segments are in fluid communication with an outlet and subsequent outlet segments,-- replaces "as set forth in Claim 13,";

Claim 18, line 1, --14-- replaces "13";

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Claim 19, line 1, --14-- replaces "13" and

Claim 27 is cancelled.

2. The following is an examiner's statement of reasons for allowance: the obviousness-type double patenting rejection is dropped because of the above changes made to the claimed subject matter. More specifically, the present claim 2 sets forth the baffle of the electrode fluid distributor having a height less than a sidewall height, which limitation is not part of the claim language in US 6,613,469.

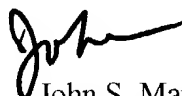
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday from 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John S. Maples
Primary Examiner
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JSM/4-20-2004